

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**
MDL No. 3076
CASE NO. 1:23-md-03076-KMM

IN RE:

FTX Cryptocurrency Exchange Collapse Litigation

This document relates to:

Promoter and Digital Creator Defendants

Garrison, et al. v. Bankman-Fried, et al.,
Case No. 22-cv-23753

Garrison, et al. v. Paffrath et al.,
Case No. 23-cv-21023

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN
OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS FOR LACK OF PERSONAL
JURISDICTION AND INSUFFICIENT SERVICE OF PROCESS**

Plaintiffs, in accordance with the Court's Order dated December 18, 2023, respectfully seek leave to supplement their oppositions to Defendants' Motion to Dismiss for Lack of Personal Jurisdiction [ECF No. 353] and to Defendant Erika Kullberg's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(5) [ECF No. 367], and in support state:

On November 3, 2023, Plaintiffs filed an Omnibus Motion to Lift Discovery Stay and for Leave to Conduct Jurisdictional Discovery, and if Necessary to Amend Their Complaints with any Facts Arising From Such Discovery (the "Omnibus Motion") [ECF No. 348]. On December 18, 2023, this Court granted in part Plaintiffs' Omnibus Motion, giving Plaintiffs 45 days to conduct

limited jurisdictional discovery, and 15 days thereafter to move to supplement their responses to the motions to dismiss for personal jurisdiction. [ECF No. 422].¹

Thereafter, Plaintiffs engaged in jurisdictional discovery, through requests for production and depositions, and—despite substantial obstruction by both the defendants and their counsel in connection with discovery into conspiracy-based jurisdiction—procured relevant and important information relating to the jurisdictional arguments raised in the motions to dismiss filed by Defendants Erika Kullberg, Creators Agency LLC, Jaspreet Singh [ECF No. 266], and Larry David [ECF No. 268].² Plaintiffs also discovered information related to Ms. Kullberg’s motion to dismiss based on insufficient service of process [ECF No. 367], including through a third-party deposition—again, despite substantial obstruction from Defendant Kullberg and her counsel.³ Plaintiffs also obtained documents from several MDL Defendants in connection with pending settlements of the class claims against them.⁴

Accordingly, Plaintiffs respectfully request that the Court grant them leave to supplement their opposition to Defendants’ Motion to Dismiss for Lack of Personal Jurisdiction [ECF No. 353] in the form attached as **Exhibit A** and supplement their opposition to Defendant Erika Kullberg’s Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(5) [ECF No. 367] in the form attached as **Exhibit B**.

¹ Notably, several Defendants withdrew their Motions to Dismiss for Lack of Personal Jurisdiction after entry of the Court’s Order. [ECF No. 443, 444, 445, 473].

² To the extent this Court reaches conspiracy jurisdiction and finds the record insufficient, Plaintiffs reserve the right to undertake further motion practice to reopen discovery based on the discovery abuses put forth by Defendants.

³ Plaintiffs similarly reserve the right to undertake further motion practice to reopen discovery based on the discovery abuses put forth by Defendant Kullberg and her counsel in this regard.

⁴ Plaintiffs anticipate notifying the Court of these additional settlements in the coming days.

Dated: February 16, 2024

Respectfully submitted,

<u>Plaintiffs' Co-Lead Counsel</u>	
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 16, 2024, a true and correct copy of the foregoing was filed electronically with the Clerk of the Court, by using the CM/ECF system, causing a true and correct copy to be served on all counsel of record.

/s/ Adam M. Moskowitz
 Adam M. Moskowitz